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ARGENTINA PROJECT (S200000044)

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ARGENTINA'S POLITICAL PRISONERS SITUATION

Introduction

This memorandum argues that overall prison conditions in Argentina constitute a threat to the already precarious stability of the current GOA, and could contribute to the further deterioration of U.S. relations with that country. It recommends that the U.S. government emphasize to the GOA the desirability of releasing a substantial percentage of political detainees, and of liberalizing the application of the "Right of option" legislation to permit the voluntary exile of those prisoners it considers a potential threat to its national security.

Background

As can be deduced from the prison population profile, the number of political prisoners as well as their social and political characteristics make up a potentially explosive situation. Only a small fraction (14%) of those held can be accurately described as "subversives." The overwhelming majority of the prisoners should be seen merely as people who are likely to oppose government policy but within an acceptable and manageable framework. Despite efforts to segregate prisoners on the basis of their political background, prison population remains undifferentiated. The prison experience appears to have contributed to the radicalization of the prisoners and their relatives and friends.

Relatives and friends of political prisoners and of disappeared people, in close cooperation with human rights, religious and trade union committees, have organized a loose but far reaching support network with roots in every major urban area, factory, and community in the country. Despite the repression it has had to confront, this network has maintained relatively effective lines of communication with international human rights organizations. Recent events indicate that this network may involve tens of thousands of people around the country. The government has responded by intensifying the persecution of those involved in political prisoner defense work. Thus, friends and relatives have been arrested, tortured, and in some cases disappeared themselves; most recently visiting rights have been curtailed or eliminated in the official prisons and prisoners are once again being transferred frantically from prison to prison. 8.1.02-8

There are reports indicating that prisoners have begun to organize various forms of protest ranging from hunger strikes to minor rioting. In these occasions, the authorities reacted violently mass beating prisoners, selectively torturing and, in some cases, executing apparent ring leaders, thus exacerbating the already explosive conditions.

In Argentina there is a long history of prison rebellions, rioting, individual and group escapes, insurrections with outside support, etc. The two most recent and best known cases are the 1972 Rawson Prison breakout and subsequent Trelew massacre, and the "Devotazo" a prison rebellion in Buenos Aires which had nationwide repercussions and resulted in "amnesty" for thousands of political prisoners. It is likely that in the next few months there will be an increase in prison protests that could flare up into full fledged rioting. The Argentine Government has elaborate contingency plans for such an eventuality. These plans call for massive killing during the rioting and selective execution of leaders and participants after the situations are brought back under control.

In the past, executions of prisoners sparked strong, often violent popular reactions which involved mass demonstrations and indiscriminate terrorism. Similar developments under the present conditions among the population at large could trigger a chain reaction leading to generalized rioting, and possible local insurrections. Such developments in the context of the difficulties facing the GOA, within the ruling Armed Forces, generally in Argentina, and internationally, would have dangerous consequences that might lead to its collapse.

Current attitudes of the GOA

General Videla's sensitive statements on the issue of human rights and political prisoners during his visit to Washington in early September, juxtaposed to the GOA's unchanged practices in this respect, would indicate that two conflicting views coexist among the ruling military officers. The view that has prevailed until now perceives the problem as a predominantly military question. Thus it favors the physical liquidation of all those connected to the subversive organizations, and justifies torture and brutalization of prisoners in the name of intelligence gathering needs. This view opposes the publication of the list of detainees which it con-

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siders a "military secret." This view also opposes allowing prisoners to leave the country for exile on the basis that they can be expected to return and engage once again in terrorist activities. A more realistic view, presumably subscribed to by General Videla, tends to recognize the political and diplomatic aspects of the issue. This view is also more sensitive to the high political costs of continued repression, and more sensitive to internal political pressures and diplomatic initiatives from abroad.

Argentine government fears around the release of political prisoners and the granting of permission to leave the country for exile seem largely unjustified. Given the virtually complete dismantling of the military structures of the subversive groups and the minimization of their operational capacity, it is difficult to argue that knowledge of where prisoners are being held would in any way make possible or encourage rescue operations or other such suicidal adventures. The political costs of maintaining secrecy, by refusing to publish a list of detainees, seem very high, while disclosure would greatly contribute to improving the government's internal and international image.

There have been less than a hundred instances in which prisoners allowed to go into exile during 1974 and 1975 re-entered Argentina and were subsequently re-arrested and killed. Sources in the Argentine exile community point out that the return flow of exiles has been stopped. Most exiles are no longer willing to accept the risks involved. The strict security measures instituted in all major entrance points, as well as the supportive relationship existing between Argentine security forces and those of neighboring countries has made re-entry a virtual logistical impossibility. The Chilean government which has allowed literally thousands of political prisoners to leave the country has had an insignificant number of activists returning to Chile. This experience should be reassuring to the GOA.

Although all the major objections to the relaxation of the existing policies with regards to political prisoners can be answered in their own terms, it would be a grave mistake to underestimate the strength of the political pressures already being applied on the GOA in this direction. The extent of these pressures is such that release of political prisoners would be desirable and justifiable even at the

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cost of a relatively small increase in security risks. In other words, it is politically necessary for the current government to make certain significant concessions on this issue if it is to be able to continue to exercise control on the overall situation.

Recommendations

1) Prior to and during the upcoming visit by the Secretary of State the U.S. government should inform the GOA that it perceives the current political prisoner situation as a threat to the already precarious stability of the GOA. The U.S. government should also point out that this situation is not likely to contribute to the improvement of relations between the two countries. The U.S. government should emphasize the urgency of the need to release some of the pressure built up around the issue of political prisoners.

2) The U.S. government should communicate to the GOA that it does not consider that the release of a significant percentage of prisoners within Argentina, (*) and the exile of those presumably connected with subversive organizations would constitute a threat to the national security of Argentina. It should be emphasized, on the contrary, that such a move would strengthen and increase the GOA's internal stability and improve its international image.

3) The U.S. government should reaffirm its support for the liberal application of the "Right of Option" clause by indicating its commitment to accept a significant number of political refugees and their dependents by instituting an emergency parole visa program as soon as the prisoner release program is officially announced by the GOA.

(*) Prisoners in categories 1 through 6 in the attached report, namely, intellectuals, former government officials, trade union activists, rank and file workers, individuals indirectly connected to members of subversive groups, and members of left wing political parties not accused of subversion, should be allowed to remain in Argentina under a probationary program. Activists detained on charge of subversion under State of Siege regulations should be allowed leave the country for exile.

ARGENTINA: PRISON POPULATION PROFILE

A. Prison population estimates.- (1)

	LOW	HIGH
Prisoners held in official jails, recognized as such by the government	5,500	7,500
Prisoners being held in makeshift camps within Army, Navy, Air Force and Gendarmerie bases around the (2) country and in selected camps in ranches, unrecognized.	5,000	7,000
Prisoners being held in local police stations and underground detention centers, undergoing interrogation or being held as hostages, unrecognized. (3)	1,500	2,500
Totals:	12,000	17,000

B. Breakdown of prison population.- (4)

	LOW	HIGH	PRESUMI KILLE (5)
1.- <u>Intellectuals</u> : writers, journalists, lawyers, psychologists, medical doctors, secondary and university level educators, with no active connection to subversive organizations. This group is generally referred to as "the ideologues of subversion" in official government statements.	500	750	(200)
2.- <u>Government</u> : individuals directly or indirectly associated with the Campora and Peron governments, accused of corruption and other economic crimes, or accused of being associated with subversion.	250	500	(200)
3.- <u>Trade union activists</u> : factory or shop delegates, members of the "Comisiones Internas", or "Coordinadoras sindicales", trade union officials being held for union related activities which were legal until enactment of legislation after 3/25/76, without any associations with the subversive groups			

- 4.- Rank and file workers, being held for participation in or association with strikes, slow downs, or other exercise of traditionally recognized trade union activities considered legal until 3/25/76 and intended to obtain redress for work related or salary related grievances. 3,000 4,000 (750)
- 5.- Marginally related: individuals indirectly connected to known or presumed activists of the subversive organizations such as relatives, former friends and acquaintances, co-workers, fellow students, etc. This group is being held and presumed guilty by virtue of kinship or other association. In most cases there are no specific charges against them. 2,500 3,500 (1,000)
- 6.- Other left wing activists unrelated organizationally or ideologically with the subversive organizations. This group would be made up of activists who for various reasons oppose any form of violent action against government or business officials and consider these terrorism. 600 1,000 (500)
- 7.- Active members of subversive organizations (E.R.P., Montoneros, and others) arrested while executing, conducting or preparing subversive activities as broadly defined by the government, (6) 1,500 2,500 (2,000)
- 8.- Leading activists of the subversive organizations, ie individuals within local, provincial or national leadership structures. 150 250 (250)
- 9.- Mistakes: individuals with no particular political commitment or activity being mistakenly held, or falsely accused. 750 1,000 (500)

10.- Common law prisoners, being held for strictly criminal acts, usually having been tried and found guilty. No political connections except those developed in prison.(7) 2,000 2,500 (100)

Totals: 12,000 17,000 (6,000)

C. Percentage breakdown of prison population.-

		% of those presumed killed
1.- Intellectuals	4.15	3.3
2.- Government	2.10	3.3
3.- Trade union activists	6.30	8.4
4.- Rank and file	25.00	12.5
5.- Marginally rel.	21.00	16.7
6.- Other left	5.00	8.3
7.- Active subv.	12.50	33.3
8.- Lead. subv.	1.25	4.2
9.- Mistakes	6.20	8.4
10.- Common crim.	16.50	(Total: 100.00) 1.7

Footnotes:

(1) These figures include prisoners known to have been detained and known to be held live, as well as others commonly referred to as "disappeared persons". Some of the "disappeared" are presumed dead and would be included in the 6,000 figure under B. The sources for these estimates are based on an average of figures given by Amnesty International, the International Commission of Jurists, the Permanent Assembly for Human Rights, Argentine Government sources, and other human rights organizations in Argentina (Argentine Commission for Human Rights, Movimiento Ecumenico por los Derechos Humanos, Argentine League for Human rights, and others)

(2) Estimates based on testimonies from released prisoners or their relatives or friends as to the number of prisoners they were held with and where.

(3) Estimated on the basis of testimonies from prisoners and

estimated number of such facilities existing in the country at this time.

(4) Estimated on the basis of a sample of 1,000 known prisoners whose background has been made public. The resulting proportions were corrected to take in consideration the tendency of certain social groups to be better able to make their cases known to international human rights organizations (intellectuals, trade union leaders, etc.) in contrast to other groups with lower social visibility and international contacts (rank and file workers, left wing and other activists).

(5) The total number of people presumed killed since October 1975 is estimated on the basis of government figures of casualties in confrontations between security forces and alleged guerrillas. It is commonly known that these official figures include a high (60%) proportion of people killed by security forces in situations other than in military confrontations, these include: executions of political prisoners after being in prison, people killed during or as a consequence of torture, individuals executed after interrogation or after having been identified as members of subversive organizations, mistakes, people killed accidentally by security forces in anti-subversive operations. The date October 1975 was chosen because it marked a drastic increase in the number of people killed by security forces.

(6) Based on official government figures as qualified by representatives of the subversive organizations currently in exile.

(7) Based on official government figures for 1975, and preceding years.